

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re the application of |) | |
| |) | PTO Attorney: Paul Shanoski |
| Kershman et al |) | |
| |) | Attorney Docket: SK-3 |
| Serial No: 09/912,219 |) | |
| |) | |
| Filed: July 25, 2001 |) | |
| |) | |
| Patent No. 6,858,241 |) | |
| |) | |
| Issue Date: February 22, 2005 |) | |
| |) | |
| For: FARINACEOUS SURFACE PRODUCT THAT IS |) | |
| <u>TOASTER REHEATABLE AND METHOD</u> |) | |

ADDENDUM TO SUPPLEMENTAL STATEMENT IN SUPPORT OF RENEWED
PETITION PURSUANT TO 37 C.F.R. §1.378(e)

Mail Stop Petition
 Commissioner of Patents
 Attn: Paul Shanoski
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This Addendum is being submitted in response to the telephone call from PTO Attorney Paul Shanoski on October 7, 2009. In the telephone conversation, the PTO Attorney indicated that the previously submitted Petition and Supplemental Statement did not include a sufficient description of the Docket mentioned in the previously submitted Supplemental Statement. This Addendum is intended to fully respond to this deficiency.

The Docket mentioned in the previously submitted Supplemental Statement consists of a Microsoft Word document listing each of the patent and trademark applications or cases that we have pending in the United States Patent Office. For each case, the Docket includes the attorney docket number, the title of the application, the associate in charge of the case, and all action items and dates that are relevant in the case. This Docket is continuously monitored and updated as communications are received from, and sent to, the Patent Office. This Docket is also continuously backed up electronically and hard copies are printed out on a regular basis for backup and historical

purposes. All due dates associated with each case are entered into the Docket along with a description of the required action. Near the beginning of each month, each item on the Docket is reviewed and a Due Dates listing is generated that lists all of the cases that have approaching due dates, what the due dates are, and what actions are needed for each case. These Due Dates listings are backed up electronically and hard copies are printed out on a regular basis for backup and historical purposes.

In the case of maintenance fees, the patent number, the scheduled issue date, and the due dates for the maintenance fees associated with a new patent are first entered into the Docket when the Issue Notification for the Patent is received from the Patent Office. The Issue Notification for the subject patent number 6,858,241 was mailed from the Patent Office on February 2, 2005. The Issue Notification was received and docketed, and a copy of the Issue Notification was mailed to the Patentees on February 8, 2005.

When the Ribbon Copy for a patent is received, the patent number, the issue date, and the due dates for the maintenance fees associated with the new patent are rechecked and confirmed in the Docket. In the case of the subject patent, the patent issued on February 22, 2005. Upon receiving the Ribbon Copy of the patent, the Ribbon Copy was forwarded to the Patentees on February 28, 2005 and the patent number, issue date and due dates for the maintenance fees were confirmed as being properly docketed.

The due dates for all maintenance fees that are entered into the docket are continuously monitored. Each month, any approaching maintenance fee due dates are added to the Due Dates listings that are generated monthly as described in detail above. In the case of the subject patent, a listing of due dates from the Docket for tasks that needed to be completed in August of 2008 was compiled near the beginning of August 2008 and one of the action items on this list was the fact that the first maintenance fee for the subject patent was due by August 22, 2008. This action item on the August 2008 Due Dates listing, which was generated from the above described Docket, led to the contacting of the client which in turn led to the sequence of events described in detail in the previously submitted Supplemental Statement.

For the above stated reasons, it is submitted that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. It is also submitted that this Addendum to

Supplemental Statement, in combination with the previously submitted Statements, enumerates the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly. Therefore, Petitioner requests that the delayed payment of the maintenance fee be accepted and the patent reinstated.

If any further information is required for this Petition, please contact Jay R Beyer at 303) 499-3859.

Dated: October 8, 2009

Respectfully submitted,
/Jay R Beyer/
Jay R Beyer
Petitioner
Reg. No. **39,907**